From: Jim Holron
To: Microsoft ATR
Date: 1/28/02 9:13am
Subject: Microsoft Settlement

The settlement allows Microsoft to strengthen the hardware barrier to entry. Specifically, in section III, paragraph A, section 1, the restriction applies only to middleware. This restriction should also apply to device drivers and applications.

It appears that Microsoft is currently working to keep hardware manufacturers (video card manufacturers, sound card manufacturers, etc) from supporting non-Microsoft operating systems. Unless the settlement is rewritten to stop this behavior, Microsoft will be able to strangle hardware support for non-Microsoft operating systems.

Unless all APIs are made public, Microsoft will be able to deliberately sabotage non-Microsoft products. Since all application software depends on the operating system, Microsoft can implement two versions of an API, a secret one that works correctly, and a public one that contains bugs. Indeed, through six weeks of reverse engineering, my employer has found exactly this situation! All APIs should be published and made available to the public, including open source developers who can not abide by non-disclosure agreements or pay royalties (such as The GIMP, and the Apache web server, both of which run on top of Windows).

Microsoft's current monopoly position depends on a complex web of secret standards. By using proprietary, non-published standards, Microsoft traps its customers. All communication and storage standards should be published and freely available to the public. Anyone, including open source developers, should be able to develop products compatible with the De facto standard.

Proprietary security standards endanger Internet security and hamper development of new technologies. The entire security community understands that unpublished standards are a security hole waiting to happen. The world's most rigorous security standards are published and scrutinized by security experts throughout the world. If a security hole exists, public scrutiny will discover it before a malicious intruder can exploit it.

If Microsoft security standards remain secret, malicious intruders will reverse engineer the code, find the security holes, and exploit them before Microsoft can discover and fix the holes. This reality has played out over the past several years as worms and virii plagued the Internet. Microsoft should not only publish all security standards, they should publish the standards a full year before deploying them, thus giving the public time to discover security holes

before they can be exploited.

Microsoft recently proclaimed that they will focus on "trustworthy computing". In response to this notice, some of the world's leading computer security experts have outlined policies that Microsoft should take to improve security. One of those recommendations was to publish all security standards before deploying them. This settlement specifically allows Microsoft to flaunt that expert advice in an apparent misunderstanding of computer security.

Over the past several years, Microsoft has used its monopoly position to crush competing products. They essentially wiped out OS/2 and BeOS (both competing operating systems), Lotus Office Suite (still exists, but nobody wants it because it doesn't support Microsoft Office documents), and HP OpenMail (which threatened Microsoft's customer lock-in strategy).

To counter Microsoft monopolistic practices, the industry has responded by developing open source software. Open source software is developed by volunteers throughout the world. All of the source code is available to anybody who wants it. People may freely contribute to the code, and freely distribute the code. The open source community has become Microsoft's new prime target for destruction. Since open source software is not controlled by any one company, Microsoft can not buy it or drive it into bankruptcy.

In a leaked memo (which Microsoft admits to writing), Microsoft outlines their plans to attack the open source community. Their plan is to take existing open standards, make trivial modifications so that they are no longer compatible, and deploy those modified standards. Furthermore, Microsoft plans to patent their changes so that no one can develop a compatible product. This settlement makes provisions for for-profit closed source companies to access Microsoft's proprietary standards, and to license the necessary patents to implement those standards. If this settlement goes forward, it will not only be difficult, but also illegal for open source developers to create software which can inter operate with the De facto standard.

The open source community has made tremendous contributions to society. Their work is valued in the billions of dollars. Dozens of companies in the United States alone, base their business on developing open source software. This settlement will allow Microsoft to crush those companies, and hinder development of future open source projects.

Any adequate settlement will guarantee that any software, including open source software, will be able to inter operate with Microsoft software.